

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

ADMINISTRATIVE ORDER RE:)	
AMENDMENT OF LOCAL CIVIL RULE 83.1)	
AND LOCAL CRIMINAL RULE 57.1)	Administrative Order No. <u>11-041</u>
REGARDING ADMISSION, DISCIPLINE, AND)	
REINSTATEMENT OF ATTORNEYS)	
_____)	

At a Judges' Meeting conducted on April 15, 2011, the district judges of this Court tentatively approved amendments to the procedures set forth in the Local Rules regarding the admission, discipline, and reinstatement of attorneys to the bar of this court. The proposed rule amendments are as follows:

W.D. Mich. LCivR 83.1(d)(iv); W.D. Mich. LCrimR 57.1(d)(iv): This section is rewritten as follows:

The Chief Judge may grant or deny the application for admission. Alternatively, the Chief Judge may refer the application to a three-judge panel constituted pursuant to subsection (m)(iii)(A) of this rule for decision. A decision of a majority of the three-judge panel shall be final and binding. If the court grants the application, the Clerk shall issue a certificate of admission.

W.D. Mich. LCivR 83.1(k)(i); W.D. Mich. LCrimR 57.1(k)(i): The first sentence is amended as follows:

Discipline other than suspension or disbarment - In accordance with the provisions of this Rule, a district judge **or magistrate judge** may impose discipline, except suspension or disbarment from this Court, on any attorney who engages in conduct violating the Rules of Professional Conduct; willfully violates these rules, the Federal Rules of Civil Procedure, or orders of the Court; or engages in other conduct unbecoming of a member of the bar of this Court.

W.D. Mich. LCivR 83.1(m)(iii)(A); W.D. Mich. LCrimR 57.1(m)(iii)(A):
This section is amended as follows:

An attorney may apply for reinstatement by filing an affidavit of reinstatement stating that the jurisdiction that entered the underlying order of discipline has reinstated the attorney. The Chief Judge shall assign such applications to a panel of three judicial officers consisting of at least one active **or senior** district judge. The other members of

the panel may include senior judges, **bankruptcy judges**, and magistrate judges. Any judge who initiated the request for discipline or before whom the allegation giving rise to request for discipline took place shall not be appointed to the panel. A decision of the majority of the three-judge panel shall be final and binding.

The purpose of the first proposed amendment is to allow thorough investigation and review of applications that disclose potential problems with the applicant's competence, character or fitness, and to give the applicant an opportunity to be heard in open court with regard to such issues. The purpose of the second proposed amendment is to implement the disciplinary and contempt power granted to magistrate judges by statute. 28 U.S.C. § 636(e). The purpose of the third proposed amendment is to conform the composition of three-judge panels hearing reinstatement matters to the composition of panels hearing disciplinary matters. The Court believes that bankruptcy judges should be eligible for service on all three-judge panels reviewing attorney disciplinary or reinstatement issues.

NOTICE IS HEREBY GIVEN to all members of the public of their opportunity to review and comment upon the foregoing proposed amendments. A copy of this order shall be posted in each divisional office and on the Court's website. In addition, the Clerk shall send electronic notice to all attorneys registered to use the CM/ECF system. The Clerk shall provide a copy of the proposed amendment to the Federal Bar Association, West Michigan Chapter, the State Bar of Michigan Committee on United States Courts, and the *Michigan Lawyer's Weekly*.


All comments should be in writing and must be received by the Court no later than **May 23, 2011**. Comments should be addressed to:

Tracey Cordes, Clerk
United States District Court
399 Ford Federal Building
110 Michigan, N.W.
Grand Rapids, MI 49503

or submitted electronically to ecfhelp@miwd.uscourts.gov. The Court will consider all comments before promulgating a final version of the proposed rules.

FOR THE COURT:

Dated: April 20, 2011



PAUL L. MALONEY
Chief United States District Judge